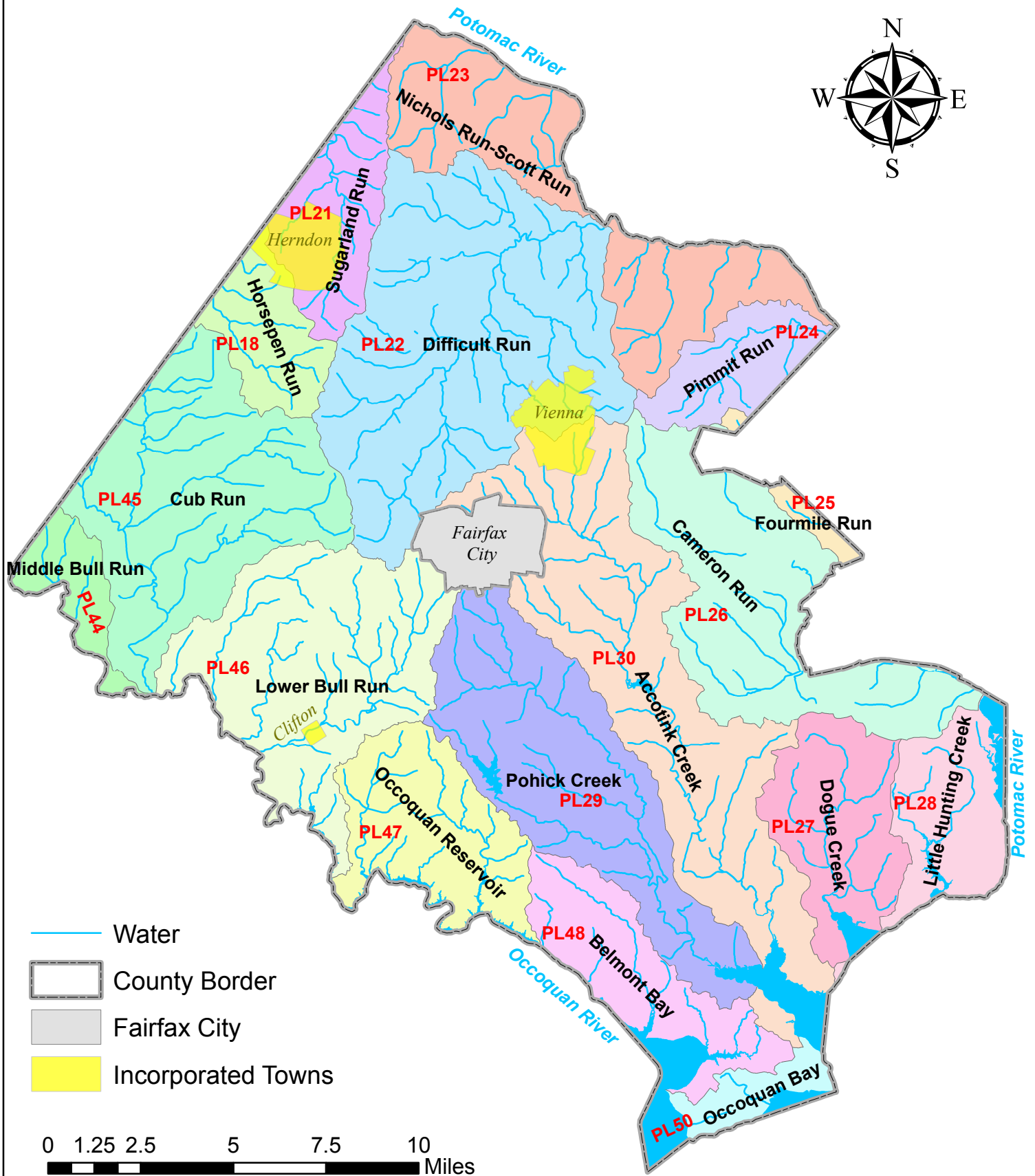


Attachment 1 - Jurisdictional Map

Fairfax County 6th Order Hydrologic Units



Attachment 2 - Site Inspection Report



**FAIRFAX COUNTY
MUNICIPAL SEPARATE STORM
SEWER SYSTEM (MS4)
INSPECTION**

**STORMWATER PLANNING DIVISION
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
12000 GOVERNMENT CENTER PARKWAY, SUITE 449
FAIRFAX, VA 22035**

June 8 through 9, 2011

**Office of Compliance and Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460**

**U.S. Environmental Protection Agency, Region III
Water Protection Division
Office of NPDES Enforcement (3WP42)
1650 Arch Street
Philadelphia, PA 19103**

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- Exhibit 3 – Dry Weather Screening
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Attachment 4: Inspection Photograph Log

I. INTRODUCTION

From June 8 through 9, 2011, a compliance inspection team comprising staff from the U.S. Environmental Protection Agency (EPA) Region 3, Virginia Department of Conservation and Recreation (DCR), and EPA's contractor, Eastern Research Group, Inc. (ERG), inspected the municipal separate storm sewer system (MS4) program of the County of Fairfax, Virginia. Discharges from the County's MS4 are regulated by Virginia Pollution Discharge Elimination System (VPDES) Permit Number VA0088587, effective January 24, 2002 and an expiration date of 24 January 2007. The purpose of this inspection is to obtain information that EPA will use to evaluate compliance with the County's Permit VA0088587, which is included in Attachment 1.

Stormwater and Mr. Randy Bartlett, Director

Wastewater¹:

Stormwater Ms. Kate Bennett, MS4 Coordinator

Planning Mr. Craig Carinci, Director

Division: Ms. Takisha Cannon, Ecologist II
Mr. Fred Rose, Branch Chief

Land Mr. Assad Ayoubi, Director

Development Mr. Charles Craft, General Superintendent

Services: Mr. Bruce Nassimbeni
Mr. Skip Raynor, Supervising Engineering Inspector
Mr. Ken Williams, Chief, Plan and Document Control
Mr. Mike Ernst, Senior Engineering Inspector
Mr. Glenn Huffman, Supervising Engineering Inspector
Mr. Thomas French, Senior Engineering Inspector
Ms. Diana Guillen, Supervising Engineering Inspector

Maintenance Mr. Steve Aitcheson, Director

and Stormwater Mr. Bill Schell, Branch Chief

Management Mr. PJ Tierno, Engineer Tech III

Division: Ms. Karlee Copeland, Environmental Scientist
Mr. Keith Appler, GIS Analyst
Mr. Stuart Stein, Contractor (GKY)
Mr. Jason Gibson, Contractor (GKY)
Mr. Casey Kight, Contractor (GKY)

EPA Mr. Charles Schadel, EPA Region 3

Representatives: Ms. Kyle Zieba, EPA Region 3

Virginia DCR Mr. Kelly Vanover, Regional Manager

Representative: Ms. Marian Carrol, Stormwater Compliance Specialist

Mr. Mason Harper, MS4 Permit Writer

EPA Mr. John McCutcheon, Stormwater Compliance Manager

Contractors: Mr. Mark Briggs, ERG

Ms. Kavya Kasturi, ERG

¹ A copy of sign-sheets containing the names of all county participants in the inspection is included as Attachment 2.
Draft Enforcement Confidential – Do Not Cite Or Quote

EXECUTIVE SUMMARY

From June 8 through 9, 2011, a compliance inspection team comprised of staff from the U.S. Environmental Protection Agency (EPA) Region 3, Virginia Department of Conservation and Recreation (DCR), and EPA's contractor, Eastern Research Group, Inc. (ERG), inspected the municipal separate storm sewer system (MS4) program of the County of Fairfax, Virginia. Discharges from the County's MS4 are regulated by Virginia Pollution Discharge Elimination System (VPDES) Permit Number VA0088587, effective January 24, 2002. The purpose of this inspection was to evaluate compliance with the County's Permit VA0088587, which is included in Attachment 1.

Virginia Permit Number VA0088587 Requirement	Observations
I.B.1.a) – Structural and Source Control Measures	Observation 1 Public Storm Water Management (SWM) facilities and Best Management Practices (BMPs) ponds inspected at least once every two years and private SWM facilities and BMPs ponds inspected at least once during the permit cycle and in accordance with the Storm Water Management Plan for Fairfax County.
I.B.1.d) - Retrofitting	Observation 2 Permit Requirement is not prescriptive. However, Fairfax County has installed 34 retrofits in 2010. Estimated cost is at least \$11M. Fairfax County has conducted retrofits every year.

I.B.1.f) – Illicit Discharge and Improper Disposal	Observation 3 Representative outfalls of the entire MS4 have been screened at least once during the permit term.
I.B.1.h) – Industrial and High Risk Stormwater Runoff	Observation 4 Fairfax County did not have an industrial and commercial facility inspector. However, Fairfax County staff stated that pending legislation in Virginia will give authority to counties to conduct inspections at industrial and commercial facilities and expects to begin conducting inspections of industrial and commercial facilities once the legislation is effective. Although the Fire Marshall's office is performing fire inspections of industrial and commercial sites, the focus of these inspections is not related to stormwater.
	Observation 5 Fairfax County developed a program for implementing BMPs and inspecting County-owned facilities
I.B.1.i – Construction Site Runoff	Observation 6 Fairfax County's E&S Program conducts inspections of priority sites at least once per week, after rain events and follows through on enforcement. Fairfax County's E&S Program is fully compliant with the State construction program. However, Fairfax County E&S inspectors are not consistently and completely following inspection procedures regarding documenting construction site inspections.

I.C.1. – Watershed Monitoring	Observation 7	Fairfax County is implementing the long-term monitoring plan that has been approved by DCR. The monitoring is being conducted at representative stations to characterize the quality of storm water in at least two watersheds during the term of this permit.
Part I.C.1 – Annual Reports	Observation 8	On a timely manner, Fairfax County has submitted Annual Reports for each year.
Stream Restorations	Observation 9	Although there are no “stream restoration” requirements in the Permit, Fairfax County has invested considerably. The overall budget is being raised to \$28 million for year 2011.

II. OBSERVATIONS

Part I.B.1.a.1) & 2) – Structural and Source Control Measures

Fairfax County shall inspect and maintain public Storm Water Management (SWM) facilities and Best Management Practice (BMP) ponds. The inspection and maintenance schedule in Permit No. VA0088587 will be determined by the Storm Water Management Plan for Fairfax County. At a minimum these facilities will be inspected and receive maintenance once during this permit.

Fairfax County shall inspect private Storm Water Management (SWM) facilities and Best Management Practice (BMP) ponds. The inspection schedule will be determined by the Storm Water Management Plan for Fairfax County. At a minimum these facilities will be inspected once during this permit cycle. Fairfax County shall require maintenance agreements for all privately maintained storm water management facilities and/or BMP ponds. Fairfax County shall assure proper function and maintenance of these facilities.

Observation 1 - Fairfax County has presented documentation (Exhibit 1 and Exhibit 2) that demonstrates that the public Storm Water Management (SWM) facilities and Best Management Practices (BMPs) ponds have been inspected at least once every two years and private SWM facilities and BMPs ponds have been inspected at least once during this permit cycle and in accordance with the Storm Water Management Plan for Fairfax County. Fairfax County requires maintenance agreements for all privately maintained storm water management facilities and/or BMP ponds. Fairfax County tracks maintenance efforts of public and private SWM facilities and BMP Ponds.

Part I.B.1.d) - Retrofitting

Receiving water quality impacts shall be assessed for all storm water management facilities. When the permittee determines water quality impact, they shall continue to evaluate and retrofit existing storm water management facilities and areas without stormwater controls.

Observation 2 The Permit requirement is not prescriptive. However, Fairfax County has installed 34 retrofits in 2010. Estimated cost is at least \$11 million. Fairfax County has conducted retrofits every year.

Part I.B.1.f) – Illicit Discharge and Improper Disposal

The Permit requires that a program to locate and eliminate illicit discharges and improper disposal into the MS4 shall be implemented. This program shall include dry weather screening activities (described in Part I.B.1.f.) to locate portions of the MS4 with suspected illicit discharges and improper disposal activities. Follow-up efforts to eliminate illicit discharges and improper disposal shall be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors.

Observation 3. Fairfax County has presented documentation that demonstrates a program to effectively locate and eliminate illicit discharges and improper disposal into the MS4. The documentation demonstrates that Fairfax County's program includes effective dry weather screening activities and appropriate documentation (Exhibit – 3). The program establishes priorities and schedules for screening representative outfalls of the entire MS4 at least once during the permit term.

Fairfax County did not have an industrial and commercial facility inspector, and was not utilizing resources within other municipal programs having legal authority for site entry to inspect industrial and commercial facilities with a high risk of contributing stormwater pollutants. Fairfax County stated there is current legislation in Virginia that will give authority to counties responsible for watershed management to conduct inspections at industrial facilities. This legislation is expected to become law by July 1, 2011 and Fairfax County will then begin conducting inspections of industrial and commercial facilities where high risk runoff may occur.

Part I.B.1.h – Industrial and High Risk Stormwater Runoff

A program shall be implemented to identify and control pollutants in storm water discharges to the MS4 (municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharge the permittee determine are contributing a substantial pollutant loading to the MS4.

Observation 4 Although the Fire Marshal's office is performing fire inspections of industrial and commercial sites, including those submitting SARA Title III Tier II reports and/or having VPDES General Stormwater permits, the focus of the Fire Marshal's inspections is not related to stormwater. On June 8, 2011, the EPA inspection team shadowed a Fire Inspector from the Fairfax County Fire Marshal's office on an inspection of Davis Industries, (Exhibit – 4) an automobile recycling facility. The EPA inspection team accompanied the Fire Inspector to determine the level at which the Fire Inspector focused on stormwater-related issues. While at Davis Industries, the Fire Inspector stated she evaluates facilities regarding fire issues, but not does not look at the stormwater permit or the Stormwater Pollution Prevention Plan (SWPPP). According to the Inspector, she looks for issues such as electrical hazards, hazardous materials storage, flammable materials storage, and housekeeping issues that may hinder an engine company from fighting a fire at the facility. If spills or releases of hazardous materials (e.g., oil) are observed by the Fire Inspector, these issues are noted and the site is directed to mitigate the situation.

Part I.B.1.h – Industrial and High Risk Stormwater Runoff (continued)

During the inspection, the Fire Inspector did note a hazardous material spill (see Photograph 1 in Attachment 4) and directed the facility to clean up the release immediately. (Exhibit 4), the Fire Inspector's report for Davis Industries, shows the Fire Inspector's findings from the inspection.

The EPA inspection team observed open-top drums containing liquids; however, the Fire Inspector made no mention of the drums. Soils stained with iron oxide and likely other heavy metals were observed near the rail loading areas and appeared to be washing toward the rail lines and possibly into the swale opposite the rail tracks during storm events (see Photograph 2 in Attachment 4); however, these issues were not included in the Fire Inspector's report for Davis Industries.

Storm Water Management Program (SWMP), Appendix A – Stormwater Program Summary Tables, H. BMPS for Industrial and High Risk Stormwater Runoff

Fairfax County identified in its' SWMP that a master inventory of County-industrial facilities would be developed and maintained, and that appropriate storm water pollution prevention measures are in place.

- Observation 5 Fairfax County developed and implemented stormwater pollution prevention plans (SWPPPs) for each of the County-owned municipal garages and the transfer station. Weekly stormwater inspections are being conducted at the County-owned municipal garages and transfer stations and along with required stormwater sampling. Annual stormwater training is also provided to employees at the County-owned municipal garages and transfer station to ensure all employees are aware of the issues associated with out-door storage of materials and the need to quickly cleanup drips and spills of automotive fluids.

Part I.B.1.i – Construction Site Runoff

A program to reduce the discharge of pollutants from construction sites. Fairfax County's Erosion and Sedimentation Program (E&S Program) shall be fully approved by the Virginia Department of Conservation & Recreation (DCR).

- Observation 6 Fairfax County's E&S Program is fully compliant with the State construction program. Additionally, Fairfax County's program includes a site plan review process and construction site inspections (Exhibit - 5) to meet this requirement. However, Fairfax County construction site inspectors are not consistently and completely following inspection procedures with regard to completing construction site inspections documentation.

The EPA inspection team shadowed two construction site inspectors while they inspected two construction sites. While Fairfax County has a "Handbook for Site Inspectors" (hereafter, Inspector's Handbook) which directs the inspector to use its "Inspection Checklist for Erosion and Sediment Control Installation" (Exhibit - 6) to assist in inspections, the inspectors did not use this checklist in the field.

Part I.B.1.i – Construction Site Runoff (continued)

The Inspector's Handbook also includes the County's "Erosion & Sediment Control Inspection Report" form, referred to by the inspectors as the 20/30 form; however, based on discussion with County staff, the inspectors only complete this form when problems are noted on site. An example of a completed 20/30 form is provided as Exhibit - 7.

The inspectors stated they may take notes in a notebook during the inspection; however, if no issues are noted, no other documentation is completed on site. One inspector also stated that he may make changes to the erosion and sediment control plan on site, but does not always document the changes.

While all inspections are documented in the SI2K Site Inspection 2000 database, (Exhibit – 8), the inspectors' notes are not consistent in format or detail. For example, multiple inspectors have conducted construction site inspections at the Metro West Site - Public Infrastructure Section. In some cases, inspectors simply selected that an erosion and sediment control inspection has been conducted but did not provide any details in the notes field.

In other cases, an inspector simply listed "CE" or "SF" referring to construction entrance and silt fence, respectively, without specifying whether this meant that these controls were checked and adequate or whether there were issues. Another inspector listed the items that were checked and stated that the items were adequate. Another inspector provided detailed notes on what he or she did during the inspection and the status of the controls.

Part I.B.1.i.2 of the permit requires Fairfax County to "inspect construction sites and enforce control measure requirements." Although Fairfax County follows through on enforcement (Exhibit – 9), when construction inspectors were asked how they determined the length of time a construction site had to resolve a particular problem, the inspectors stated this was determined on a case by case basis. The Inspector's Handbook includes a recommended schedule for compliance, but the inspectors did not state they were using the handbook to enforce compliance schedules.

Part I.C..1 – Watershed Monitoring Programs

Observation 7 Additionally, Fairfax County is also developing and implementing watershed management plans across the county. At the time of the EPA inspection, plans had been developed for 12 watersheds. The Watershed Monitoring plans include locations and stations determined on the characteristics of land use, drainage area and number of tributaries of watershed. The plans take a comprehensive community-wide approach to restoring and protecting county streams and have also been considered a head start in addressing Chesapeake Bay goals and local total maximum daily loads. The plan development process involved watershed characterization efforts and multiple opportunities for public involvement. The plans focus on structural improvements and non-structural solutions and overall include a 25-year prioritized list of proposed projects. Sample type, collection, and analysis of the monitoring conform to the conditions of the Permit and include a measurements of chemicals, bioassessments and floatables

Part I.C..1 – Watershed Monitoring Programs (continued)

A number of projects have already been completed including restoration of multiple stream segments, outfall restoration, best management practice retrofits, and installation of low impact development practices. As part of the plans, the county has also implemented a water resources monitoring network including 14 sites throughout the county generating long-term monitoring data. Fairfax County will evaluate the impacts of BMP implementation using the monitoring data. Fairfax County has also calculated the cost per pound of nutrient and sediment load reduction for each project category based on the projects already implemented.

Part I.C..1 – Annual Reports

Observation 8 On a timely manner, Fairfax County has submitted Annual Reports for each year that contain pertinent information for assessing compliance with the Permit.

Additional Comments

Stream Restorations

Observation 9 Although there are no “stream restoration” requirements in the Permit, Fairfax County has invested considerable approximately \$2.4 million for year 2011.

Attachment 3 - 303(d) Listed Segments with an approved TMDL

TMDL Name	EPA Approval Date	SWCB Approval Date	Water Name	ID305B	Location	Cause	Use Description	Cycle First Listed	River, miles	Estuary, sq miles	WLA¹	The WLA is aggregated between the County of Fairfax MS4 and these MS4 permittees
Bacteria TMDL for Tributaries to the Potomac River: Sugarland Run, Mine Run, and Pimmit Run	9/26/2013	4/4/2014	Sugarland Run	VAN-A10R_SUG01A00	Segment begins at the boundary of the PWS designation area, at rivermile 4.82, and continues downstream until the confluence with the Potomac River.	Escherichia coli	Recreation	2002	4.77		2.01E+12 cfu/year <i>E. coli</i>	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040115)
			Sugarland Run	VAN-A10R_SUG01B06	Segment begins at the confluence with Folly Lick Branch, at approximately rivermile 5.75, and continues downstream until the boundary of the PWS designation area, at rivermile 4.82.	Escherichia coli	Recreation	2006	0.95		97.3% Reduction	
			Mine Run	VAN-A11R_MNR01A04	Segment begins at the confluence with an unnamed tributary to Mine Run, approximately 0.5 rivermile upstream from River Bend Road, and continues downstream until the confluence with the Potomac River.	Escherichia coli	Recreation	2006	0.93		9.12E+10 cfu/year <i>E. coli</i> 94.1% Reduction	Fairfax County Public Schools (VAR040104) George Washington Memorial Parkway (VAR040111) VA Department of Transportation (VAR040115)
			Pimmit Run	VAN-A12R_PIM01A00	Segment begins at the confluence with Little Pimmit Run, approximately 0.1 rivermile downstream from Route 695, and continues downstream until the confluence with the Potomac River.	Escherichia coli	Recreation	2010	1.62		2.41E+09 cfu/year <i>E. coli</i>	Fairfax County Public Schools (VAR040104) George Washington Memorial Parkway (VAR040111) VA Department of Transportation (VAR040115)
			Pimmit Run	VAN-A12R_PIM02A00	Segment begins at the Route 309 bridge crossing, at rivermile 4.16, and continues downstream until the confluence with Little Pimmit Run, approximately 0.1 rivermile downstream from Route 695.	Escherichia coli	Recreation	2010	2.46		99.42% Reduction	
			Pimmit Run	VAN-A12R_PIM02B06	Segment begins at the headwaters of Pimmit Run, approximately 0.12 rivermile upstream from Route 7, and continues downstream until the Route 309 bridge crossing, at rivermile 4.16.	Escherichia coli	Recreation	2010	3.29			
			Little Pimmit Run	VAN-A12R_LIO01A10	Segment begins at the headwaters of Little Pimmit Run and continues downstream until its confluence with Pimmit Run.	Escherichia coli	Recreation	2012	2.22		(nested)	
Benthic TMDL for Difficult Run, Virginia	11/7/2008	4/27/2009	Difficult Run	VAN-A11R_DIF01A00	Segment begins at the confluence with Captain Hickory Run, approximately 0.6 rivermile upstream from Route 683, and continues downstream until the confluence with the Potomac River.	Benthic-Macroinvertebrate Bioassessments	Aquatic Life	1998	2.94		3595 tons/year sediment 32% Reduction	City of Fairfax (VAR040064) Town of Vienna (VAR040066) VA Department of Transportation (VAR040062) Fairfax County Public Schools (VAR040104) George Washington Memorial Parkway (VAR040111)
Bacteria TMDL for the Difficult Run Watershed	11/7/2008	4/28/2009	Difficult Run	VAN-A11R_DIF02A02	Segment begins at the boundary of the PWS designation area, approximately 0.05 rivermile upstream from the Route 675 crossing, and continues downstream until the confluence with Wolftrap Creek.	Escherichia coli	Recreation	2010	0.79		9.44E+12 cfu/year <i>E. coli</i> 90% Reduction	City of Fairfax (VAR040064) Town of Vienna (VAR040066) VA Department of Transportation (VAR040062) Fairfax County Public Schools (VAR040104) George Washington Memorial Parkway (VAR040111)
			Difficult Run	VAN-A11R_DIF02B06	Segment begins at the confluence with Piney Branch and continues downstream until the boundary of the PWS designation area, approximately 0.05 rivermile upstream from the Route 675 crossing.	Escherichia coli	Recreation	2010	1.84			
			Difficult Run	VAN-A11R_DIF03A02	Segment begins at confluence with Rocky Branch, approximately 0.25 rivermile upstream of Route 672, and continues downstream until the confluence with Piney Branch.	Escherichia coli	Recreation	2006	3.22			
			Captain Hickory Run	VAN-A11R_CAH01A04	Segment begins at the boundary of the PWS designation area, approximately 0.86 rivermile upstream from the confluence with Piney Run, and continues downstream until the confluence with Difficult Run.	Escherichia coli	Recreation	2010	2.06			
			Captain Hickory Run	VAN-A11R_CAH01B06	Segment begins at the headwaters of Captain Hickory Run and continues downstream until the boundary of the PWS designation area, approximately 0.86 rivermile upstream from the confluence with Piney Run.	Escherichia coli	Recreation	2010	0.94		The original listed segment was delisted in the 2012 IR. These listed segments are all nested with the TMDL.	
			Little Difficult Run	VAN-A11R_LID01A02	Segment begins at the confluence with South Fork Little Difficult Run and continues downstream until the confluence with Difficult Run.	Escherichia coli	Recreation	2008	1.61			
			Nichols Run	VAN-A11R_NIC01A02	Segment begins at the headwaters of Nichols Run and continues downstream until the confluence with the Potomac River.	Escherichia coli	Recreation	2012	4.69			
			Snakeden Branch	VAN-A11R_SNA01A02	Segment begins at the confluence with an unnamed tributary to Snakeden Branch, approximately 0.4 rivermile downstream from the Twin Branches Road bridge, and continues downstream until the confluence with Difficult Run.	Escherichia coli	Recreation	2006	0.79			
			Wolftrap Creek	VAN-A11R_WOT01A02	Segment begins at the boundary of the PWS designation area, approximately 0.73 rivermile upstream from the confluence with Difficult Run, and continues downstream until the confluence with Difficult Run.	Escherichia coli	Recreation	2008	0.71			
Wolftrap Creek	VAN-A11R_WOT01B06	Segment begins at the confluence with Old Courthouse Spring Branch and continues downstream until the boundary of the PWS designation area, approximately 0.73 rivermile upstream from the confluence with Difficult Run.	Escherichia coli	Recreation	2008	1.86						
Fecal Coliform TMDL for Four Mile Run, Virginia	5/31/2002	6/17/2004	Fourmile Run	VAN-A12R_FOU01A00	Segment begins at the headwaters of Fourmile Run and continues downstream until rivermile 1.46, approximately 0.27 rivermile upstream from the Arlington Ridge Road bridge. Segment includes non-tidal waters of Fourmile Run.	Escherichia coli	Recreation	1994	7.86		2.04E+13 cfu/year fecal coliform	Arlington County (VA0088579) City of Alexandria (VAR040057)* City of Falls Church (VAR040065)* * The MS4 permits for Alexandria and Falls Church were issued subsequent to this TMDL. (The TMDL did not identify the MS4 permittees by permit number)
Bacteria TMDLs for the Hunting Creek, Cameron Run, and Holmes Run Watersheds	11/10/2010	8/4/2011	Hunting Creek	VAN-A13E_HUT01A02	Segment includes all tidal waters of Hunting Creek; beginning at the Route 241 (Telegraph Road) bridge crossing and continuing downstream until the mouth of the embayment, at Jones Point and Belle View. Portion of CBP segment POTTf.	Escherichia coli	Recreation	1998		0.5261	1.02E+14 cfu/year <i>E. coli</i> 83% Reduction	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040062) George Washington Memorial Parkway (VAR040111)
			Cameron Run/Hunting Creek	VAN-A13R_CAM01A04	Segment begins at the confluence with Backlick Run and continues downstream until the Route 241 (Telegraph Road) bridge crossing.	Escherichia coli	Recreation	2006	2.08		9.60E+13 cfu/year <i>E. coli</i> 83% Reduction	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040062)
			Holmes Run	VAN-A13R_HOR01A00	Segment begins at the mouth of Lake Barcroft and continues downstream until the confluence with Backlick Run.	Escherichia coli	Recreation	2004	3.58		5.47E+13 cfu/year <i>E. coli</i> 83% Reduction	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040062)
			Holmes Run	VAN-A13R_HOR01B00	Segment begins at the headwaters of Holmes Run and continues downstream until the start of Lake Barcroft.	Escherichia coli	Recreation	2012	5.78		(nested)	
			Tripps Run	VAN-A13R_TRI01A00	Segment begins at the headwaters of Tripps Run and continues downstream until the start of Lake Barcroft.	Escherichia coli	Recreation	2012	3.65		(nested)	
			Backlick Run	VAN-A13R_BAL01A00	Segment begins at the headwaters of Backlick Run, approximately 0.74 rivermile upstream from Route 620, and continues downstream until the confluence with Holmes Run.	Escherichia coli	Recreation	2012	6.46		(nested)	
Bacteria TMDL for the Lower Accotink Creek Watershed	12/18/2008	4/28/2009	Accotink Creek	VAN-A15R_ACO01A00	Segment begins at the confluence with Calamo Branch and continues downstream until the tidal waters of Accotink Bay.	Escherichia coli	Recreation	2004	7.34		1.73E+12 cfu/year <i>E. coli</i> 97% Reduction	VA Department of Transportation (VAR040062) Fairfax County Public Schools (VAR040104) Northern Virginia Community College (VAR040095) Fort Belvoir (VAR040093)
			Long Branch	VAN-A15R_LOA01A08	Segment begins at the headwaters of Long Branch and continues downstream until the confluence with Accotink Creek, at rivermile 4.41.	Escherichia coli	Recreation	2008	4.76		(nested)	
Fecal Coliform TMDL for Accotink Creek, Fairfax County, Virginia	5/31/2002	6/17/2004	Accotink Creek	VAN-A15R_ACO02A00	Segment begins at the confluence with Crook Branch, upstream from Route 846, and continues downstream until the start of Lake Accotink.	Escherichia coli	Recreation	1998	4.77		1.3E+14 cfu/year fecal coliform 91.67% Reduction	City of Fairfax (VAR040064)* Town of Vienna (VAR040066)* * The MS4 permits for City of Fairfax and Town of Vienna were issued subsequent to this TMDL. (The TMDL did not identify these MS4 permittees by permit number)

TMDL Name	EPA Approval Date	SWCB Approval Date	Water Name	ID305B	Location	Cause	Use Description	Cycle First Listed	River, miles	Estuary, sq miles	WLA ¹	The WLA is aggregated between the County of Fairfax MS4 and these MS4 permittees
			Accotink Creek	VAN-A15R_ACO04A02	Segment begins at the confluence with Daniels Run, in the City of Fairfax, and continues downstream until the confluence with Long Branch, at Eakin Park.	Escherichia coli	Recreation	2002	1.76		(nested)	
PCB TMDL for the Tidal Portions of the Potomac and Anacostia Rivers in the District of Columbia, Maryland, and Virginia	10/31/2007	4/11/2008	Hunting Creek	VAN-A13E_HUT01A02	Segment includes all tidal waters of Hunting Creek; beginning at the Route 241 (Telegraph Road) bridge crossing and continuing downstream until the mouth of the embayment, at Jones Point and Belle View. Portion of CBP segment POTTF.	PCBs	Fish Consumption	2004		0.5261	5.65 g/year PCBs 85.8% Reduction ²	<div>- In Table 12 of the TMDL report under the TMDL "tPCB reg storm WLA" column, a total WLA is given for each jurisdiction in terms of grams/year, as well as a percent reduction. For Fairfax County, the regulated stormwater WLA is 54.7 g/year PCBs, or a 74.7% reduction. It should be noted that even though some of these MS4 permits cover areas that were modeled as tributary loads as well as direct drainage loads, the stormwater WLAs only apply in the direct drainage areas.</div> <div>- The stormwater WLAs in this table apply to not only MS4 permits, but also to other NPDES regulated stormwater entities located within the direct drainage areas of the watershed.</div>
			Dogue Creek	VAN-A14E_DOU01A00	Segment includes all tidal waters of Dogue Creek, extending from approximately rivermile 2.1 until the confluence with the Potomac River. Portion of CBP segment POTTF.			2002		0.7346	37.4 g/year PCBs 56.5% Reduction ³	
			Little Hunting Creek	VAN-A14E_LIF01A00	Segment includes all tidal waters of Little Hunting Creek, extending from approximately rivermile 1.7 downstream until the confluence with the Potomac River. Portion of CBP segment POTTF.			2002		0.2461		
			Potomac River	VAN-A14E_POT01A08	Segment includes all tidal waters downstream of the mouth of the Hunting Creek embayment, at Jones Point and Belle View. Portion of CBP segment POTTF.			2004		0.818		
			Little Hunting Creek	VAN-A14R_LIF01A08	Segment begins at the confluence with an unnamed tributary, approximately 0.82 rivermile upstream from the Route 1 bridge, and continues downstream until tidal waters, at rivermile 1.7.			2010	1.03			
			Accotink Bay	VAN-A15E_ACO01A06	Segment includes tidal waters of Accotink Creek until the confluence with the tidal waters of Pohick Bay/Gunston Cove. Portion of CBP segment POTTF.			2002		0.3528	8.11 g/year PCBs 5% Reduction ⁴	
			Gunston Cove	VAN-A15E_POH01A00	Segment extends from rivermile 1.31 in Gunston Cove until the confluence with the Potomac River. Portion of CBP segment POTTF.			2002		1.5035		
			Pohick Bay	VAN-A15E_POH02A00	Segment includes tidal waters of Pohick Creek, from the boundary of watershed A15, and extends until rivermile 1.31 in Gunston Cove. Portion of CBP segment POTTF.			2002		0.6091		
			Pohick Bay	VAN-A16E_POH01A06	Segment includes tidal waters of Pohick Creek upstream from the boundary of watershed A16. Portion of CBP segment POTTF.			2002		0.2916		
			Occoquan Bay	VAN-A25E_OCC01A04	Segment extends 0.5 mile around the Coastal 2000 monitoring station 1aOCC000.77, just west of the Potomac Shoreline of Mason Neck State Park. The downstream limit is the state line at the Potomac River. Portion of CBP segment POTTF.			2002		0.7202	1.64 g/year PCBs 83.3% Reduction	
			Occoquan Bay/Belmont Bay	VAN-A25E_OCC01A12	Segment includes waters of Occoquan Bay in a 0.5 mile radius around station 1aOCC000.01 down to the Virginia state line. Portion of CBP segment POTTF.			2002		0.4007		
			Occoquan Bay	VAN-A25E_OCC02A00	Segment extends 0.5 mile around the around monitoring station 1aOCC002.47. Portion of CBP segment POTTF.			2002		0.6331		
			Belmont Bay (Occoquan River)	VAN-A25E_OCC03A04	Segment extends 0.5 mile around Coastal 2000 monitoring station 1aOCC002.62 (coordinates 38.6382, -77.208). Portion of CBP segment POTTF.			2002		0.2855		
			Belmont Bay	VAN-A25E_OCC04A02	Segment extends 0.5 mile around the monitoring station 1AOCC-766-ALL (coordinates 38.647, -77.195). Portion of CBP segment POTTF.			2002		0.4121		
			Occoquan River/Massey Creek	VAN-A25E_OCC04B08	Segment extends from 0.5 rivermile upstream of monitoring station 1aOCC004.52 until 0.5 rivermile downstream of monitoring station 1aOCC003.82. Portion of CBP segment POTTF.			2002		0.6686		
			Occoquan River	VAN-A25E_OCC05A02	Segment extends from the end of the free-flowing waters to 0.5 rivermile downstream of monitoring station 1aOCC006.64. Portion of CBP segment POTTF.			2002		0.0683		
			Occoquan Bay/Belmont Bay	VAN-A25E_OCC20A02	Segment includes all waters of the Occoquan and Belmont Bays not included in other delineated segments. Portion of CBP segment POTTF.			2002		3.1021		
			Occoquan Bay/Belmont Bay	VAN-A25E_OCC30A02	Segment includes all tidal waters in the Occoquan watershed not included in other delineated stream segments. Portion of CBP segment POTTF.			2002		0.1392		
			Potomac River	VAN-A25E_POT01A10	Segment includes the Potomac River embayment located between Hallowing Point and Sycamore Point. Portion of CBP segment POTTF.			2010		0.606		
			Giles Run	VAN-A25R_GIL01A04	Segment begins at the headwaters of Giles Run and continues downstream until the end of the free-flowing waters of Giles Run, at Massey Creek.			2010	5.92			
			Mills Branch	VAN-A25R_WLB01A02	Segment begins at the headwaters of Mills Branch and continues downstream until the confluence with the Occoquan River. Mills Branch, a channelled flow under the Lorton landfill, is an unnamed tributary on the Occoquan/Ft. Belvoir quads.			2010	1.71			

TMDL Name	EPA Approval Date	SWCB Approval Date	Water Name	ID305B	Location	Cause	Use Description	Cycle First Listed	River, miles	Estuary, sq miles	WLA ¹	The WLA is aggregated between the County of Fairfax MS4 and these MS4 permittees
Bacteria TMDLs for Popes Head Creek, Broad Run, Kettle Run, South Run, Little Bull Run, Bull Run and the Occoquan River, Virginia	11/15/2006	7/31/2008	Cub Run	VAN-A22R_CUB01A00	Segment begins at the confluence with Ellick Run and continues downstream until the confluence with Bull Run.	Escherichia coli	Recreation	2006	6.73		7.61E+10 cfu/year <i>E. coli</i>	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040062)
			Ellick Run	VAN-A22R_ELC01A04	Segment begins at the confluence with an unnamed tributary to Ellick Run, approximately 0.65 rivermile downstream from the Route 620 crossing, and continues downstream until the confluence with Cub Run.	Escherichia coli	Recreation	2006	2.15		89% Reduction	
			Little Rocky Run	VAN-A23R_LIP01A06	Segment begins at the confluence with Willow Springs and continues downstream until the confluence with Bull Run.	Escherichia coli	Recreation	2008	4.78		(these segments are nested)	
			Popes Head Creek	VAN-A23R_POE01A00	Segment begins at the confluence with Piney Branch, approximately 0.25 rivermile downstream from Route 660, and continues downstream until the confluence with Bull Run.	Escherichia coli	Recreation	2004	4.93		cfu/year <i>E. coli</i>	Fairfax County Public Schools (VAR040104) VA Department of Transportation (VAR040062)
Benthic TMDL for Bull Run, Virginia	9/26/2006	6/27/2007	Bull Run	VAN-A23R_BUL02A02	Segment begins at the confluence with Cub Run, at the start of watershed A23R, and continues downstream until the confluence with Popes Head Creek.	Benthic-Macroinvertebrate Bioassessments	Aquatic Life	1996	4.79		4096.6 tons/year sediment 77.1% Reduction	VA Department of Transportation (VAR040062) Fairfax County Public Schools (VAR040104)
Benthic TMDL for Popes Head Creek, Virginia	9/26/2006	6/27/2007	Popes Head Creek	VAN-A23R_POE01A00	Segment begins at the confluence with Piney Branch, approximately 0.25 rivermile downstream from Route 660, and continues downstream until the confluence with Bull Run.	Benthic-Macroinvertebrate Bioassessments	Aquatic Life	1998	4.93		1546.5 tons/year sediment ⁵ 28.4% Reduction	VA Department of Transportation (VAR040062) Fairfax County Public Schools (VAR040104)

¹ Some segments are noted as nested. These segments were not explicitly included in the completed TMDL, as they were likely listed as impaired after the TMDL was completed. The downstream TMDLs were modeled to include all potential upstream sources, and as a result, any segments listed as impaired subsequent to the TMDL did not need a separate TMDL and were nested with the completed downstream TMDL.

² The WLA applies to the portion of Hunting Creek that is upstream of the Northbound Route 1 Ramp to I-95.

³ A portion of this WLA applies to the section of Hunting Creek that is downstream of the Northbound Route 1 Ramp to I-95.

⁴ In watersheds where the percent reduction is 5%, all of that reduction is due to the Margin of Safety (MOS) for the TMDL.

⁵ The WLA as it appears in the table is not explicitly expressed in the Benthic TMDL for Popes Head Creek. The WLA shown results from removing the 1% that was allocated for future growth from the WLA assigned to Fairfax County (1562.1 tons/yr) in Table 7-3 of the TMDL.

Chesapeake Bay TMDL

TMDL Name	EPA Approval Date	SWCB Approval Date	Water Name	Pollutant	WLA	The WLA is aggregated between the County of Fairfax MS4 and these MS4 permittees
Chesapeake Bay TMDL	12/29/2010		POTFF_DC	Total Nitrogen	31465.00 lbs/year	All regulated stormwater permits
				Total Phosphorus	1,726.42 lbs/year	All regulated stormwater permits
				Total Suspended Solids	1,380,327.88 lbs/year	All regulated stormwater permits
			POTTF_MD	Total Nitrogen	495,615.53 lbs/year	All regulated stormwater permits
				Total Phosphorus	23,473.25 lbs/year	All regulated stormwater permits
				Total Suspended Solids	7,575,121.49 lbs/year	All regulated stormwater permits
			POTTF_VA	Total Nitrogen	412,223.86 lbs/year	All regulated stormwater permits
				Total Phosphorus	36,799.13 lbs/year	All regulated stormwater permits
				Total Suspended Solids	27,646,929.87 lbs/year	All regulated stormwater permits

Attachment 4 - NPDES Rating Worksheet

NPDES PERMIT RATING WORK SHEET

NPDES NO. VA0088587

- ☒ Regular Addition
☐ Discretionary Addition
☐ Score change, but no status change
☐ Deletion

Facility Name: Fairfax County MS4

City: Fairfax County

Receiving Water: Horsepen Run (PL18), Sugarland Run (PL21), Difficult Run (PL22), Potomac River-Nichols Run-Scott Run (PL23), Potomac River-Pimmit Run (PL24), Potomac River-Fourmile Run (PL25), Cameron Run (PL26), Dogue Run (PL27), Potomac River-Little Hunting Creek (PL28), Pohick Creek (PL29), Accotink Creek (PL30), Upper Bull Run (PL42), Middle Bull Run (PL44), Cub Run (PL45), Lower Bull Run (PL46), Occoquan River/Occoquan Reservoir (PL47), Occoquan River-Belmont Bay (PL48), Potomac River-Occoquan Bay (PL50)

Reach Number: 6, 7, 7a, 7b, 8, 8c & 9

Is this facility a steam electric power plant (SIC=4911) with one or more of the following characteristics?

1. Power output 500 MW or greater (not using a cooling pond/lake)
 2. A nuclear power plant
 3. Cooling water discharge greater than 25% of the receiving stream's 7Q10 flow rate
- ☐ YES; score is 600 (stop here) ☒ NO (continue)

Is this permit for a municipal separate storm sewer serving a population greater than 100,000?

- ☒ YES; score is 700 (stop here)
☐ NO (continue)

FACTOR 1: Toxic Pollutant Potential

PCS SIC Code: 9199 Primary SIC Code: _____ Other SIC Codes: _____
Industrial Subcategory Code: 000 (Code 000 if no subcategory)

Determine the Toxicity potential from Appendix A. Be sure to use the TOTAL toxicity potential column and check one)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
<input type="checkbox"/> No Process Waste Streams	0	0	<input type="checkbox"/> 3.	3	15	<input type="checkbox"/> 7.	7	35
<input type="checkbox"/> 1.	1	5	<input type="checkbox"/> 4.	4	20	<input type="checkbox"/> 8.	8	40
<input type="checkbox"/> 2.	2	10	<input type="checkbox"/> 5.	5	25	<input type="checkbox"/> 9.	9	45
			<input type="checkbox"/> 6.	6	30	<input type="checkbox"/> 10.	10	50

Code Number Checked: _____

Total Points Factor 1: NA

FACTOR 2: Flow/Stream Flow Volume (Complete either Section A or Section B; check only one)

Section A ☐ Wastewater Flow Only Considered

Wastewater Type (See Instructions)	Code	Points
Type I: Flow < 5 MGD <input type="checkbox"/>	11	0
Flow 5 to 10 MGD <input type="checkbox"/>	12	10
Flow > 10 to 50 MGD <input type="checkbox"/>	13	20
Flow > 50 MGD <input type="checkbox"/>	14	30
Type II: Flow < 1 MGD <input type="checkbox"/>	21	10
Flow 1 to 5 MGD <input type="checkbox"/>	22	20
Flow > 5 to 10 MGD <input type="checkbox"/>	23	30
Flow > 10 MGD <input type="checkbox"/>	24	50
Type III: Flow < 1 MGD <input type="checkbox"/>	31	0
Flow 1 to 5 MGD <input type="checkbox"/>	32	10
Flow > 5 to 10 MGD <input type="checkbox"/>	33	20
Flow > 10 MGD <input type="checkbox"/>	34	30

Section B ☐ Wastewater and Stream Flow Considered

Wastewater Type (See Instructions)	Percent of instream Wastewater Concentration at Receiving Stream Low Flow	Code	Points
Type I/III:	< 10 % <input type="checkbox"/>	41	0
	10 % to < 50 % <input type="checkbox"/>	42	10
	> 50 % <input type="checkbox"/>	43	20
Type II:	< 10 % <input type="checkbox"/>	51	0
	10 % to < 50 % <input type="checkbox"/>	52	20
	> 50 % <input type="checkbox"/>	53	30

Code Checked from Section A or B: _____

Total Points Factor 2: NA

FACTOR 3: Conventional Pollutants*(only when limited by the permit)*A. Oxygen Demanding Pollutant: (check one) ☐ BOD ☐ COD ☐ Other: _____

Permit Limits: (check one)			Code	Points
<input type="checkbox"/>	< 100 lbs/day		1	0
<input type="checkbox"/>	100 to 1000 lbs/day		2	5
<input type="checkbox"/>	> 1000 to 3000 lbs/day		3	15
<input type="checkbox"/>	> 3000 lbs/day		4	20

Code Checked: _____

Points Scored: _____

B. Total Suspended Solids (TSS)

Permit Limits: (check one)	<input type="checkbox"/>	< 100 lbs/day	1	0
	<input type="checkbox"/>	100 to 1000 lbs/day	2	5
	<input type="checkbox"/>	> 1000 to 5000 lbs/day	3	15
	<input type="checkbox"/>	> 5000 lbs/day	4	20

Code Checked: _____

Points Scored: _____

C. Nitrogen Pollutant: (check one) ☐ Ammonia ☐ Other: _____

Permit Limits: (check one)		Nitrogen Equivalent	Code	Points
<input type="checkbox"/>	< 300 lbs/day		1	0
<input type="checkbox"/>	300 to 1000 lbs/day		2	5
<input type="checkbox"/>	> 1000 to 3000 lbs/day		3	15
<input type="checkbox"/>	> 3000 lbs/day		4	20

Code Checked: _____

Points Scored: _____

Total Points Factor 3: NA**FACTOR 4: Public Health Impact**

Is there a public drinking water supply located within 50 miles downstream of the effluent discharge (this includes any body of water to which the receiving water is a tributary)? A public drinking water supply may include infiltration galleries, or other methods of conveyance that ultimately get water from the above referenced supply.

☐ YES (If yes, check toxicity potential number below)☒ NO (If no, go to Factor 5)

Determine the *human health* toxicity potential from Appendix A. Use the same SIC code and subcategory reference as in Factor 1. (Be sure to use the human health toxicity group column ☐ check one below)

Toxicity Group	Code	Points	Toxicity Group	Code	Points	Toxicity Group	Code	Points
<input type="checkbox"/> No	0	0	<input type="checkbox"/> 3.	3	0	<input type="checkbox"/> 7.	7	15
<input type="checkbox"/> Process Waste Streams								
<input type="checkbox"/> 1.	1	0	<input type="checkbox"/> 4.	4	0	<input type="checkbox"/> 8.	8	20
<input type="checkbox"/> 2.	2	0	<input type="checkbox"/> 5.	5	5	<input type="checkbox"/> 9.	9	25
			<input type="checkbox"/> 6.	6	10	<input type="checkbox"/> 10.	10	30

Code Number Checked: _____

Total Points Factor 4: NA

FACTOR 5: Water Quality Factors

- A. *Is (or will) one or more of the effluent discharge limits based on water quality factors of the receiving stream (rather than technology-based federal effluent guidelines, or technology-based state effluent guidelines), or has a wasteload allocation been assigned to the discharge:*

<input type="checkbox"/>	Yes	Code 1	Points 10
<input type="checkbox"/>	No	2	0

- B. *Is the receiving water in compliance with applicable water quality standards for pollutants that are water quality limited in the permit?*

<input type="checkbox"/>	Yes	Code 1	Points 0
<input type="checkbox"/>	No	2	5

- C. *Does the effluent discharged from this facility exhibit the reasonable potential to violate water quality standards due to whole effluent toxicity?*

<input type="checkbox"/>	Yes	Code 1	Points 10
<input type="checkbox"/>	No	2	0

Code Number Checked: A ____ B ____ C ____

Points Factor 5: A ____ + B ____ + C ____ = NA TOTAL

FACTOR 6: Proximity to Near Coastal Waters

- A. *Base Score: Enter flow code here (from Factor 2):* ____ *Enter the multiplication factor that corresponds to the flow code:* ____

Check appropriate facility HPRI Code (from PCS):

HPRI#	Code	HPRI Score	Flow Code	Multiplication Factor
<input type="checkbox"/>	1	1	20	
<input type="checkbox"/>	2	2	0	
<input type="checkbox"/>	3	3	30	
<input type="checkbox"/>	4	4	0	
<input type="checkbox"/>	5	5	20	
			11, 31, or 41	0.00
			12, 32, or 42	0.05
			13, 33, or 43	0.10
			14 or 34	0.15
			21 or 51	0.10
			22 or 52	0.30
			23 or 53	0.60
			24	1.00

HPRI code checked: ____

Base Score: (HPRI Score) ____ X (Multiplication Factor) ____ = ____ (TOTAL POINTS)

- B. *Additional Points* ☐ *NEP Program*
For a facility that has an HPRI code of 3, does the facility discharge to one of the estuaries enrolled in the National Estuary Protection (NEP) program (see instructions) or the Chesapeake Bay?

	Code	Points
<input type="checkbox"/> Yes	1	10
<input type="checkbox"/> No	2	0

- C. *Additional Points* ☐ *Great Lakes Area of Concern*
For a facility that has an HPRI code of 5, does the facility discharge any of the pollutants of concern into one of the Great Lakes' 31 areas of concern (see Instructions)

	Code	Points
<input type="checkbox"/> Yes	1	10
<input type="checkbox"/> No	2	0

Code Number Checked: A ____ B ____ C ____

Points Factor 6: A ____ + B ____ + C ____ = NA TOTAL

SCORE SUMMARY

Factor	Description	Total Points
1	Toxic Pollutant Potential	<u>NA</u>
2	Flows/Streamflow Volume	<u>NA</u>
3	Conventional Pollutants	<u>NA</u>
4	Public Health Impacts	<u>NA</u>
5	Water Quality Factors	<u>NA</u>
6	Proximity to Near Coastal Waters	<u>NA</u>
TOTAL (Factors 1 through 6)		<u>700</u>

S1. Is the total score equal to or greater than 80? ☒ Yes (Facility is a major) ☐ No

S2. If the answer to the above questions is no, would you like this facility to be discretionary major?

☐ No

☐ Yes (Add 500 points to the above score and provide reason below:

Reason:

NEW SCORE: 700

OLD SCORE: NA

Melinda Woodruff
Permit Reviewer's Name

(804) 527-5015
Phone Number

August 18, 2014
Date

Attachment 5 – Public Comment and Response



MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY *Office of VPDES Permits*

629 E. Main Street

Richmond, Virginia 23219

804-698-4000

TO: File
FROM: Jaime L. Bauer, MS4 Permits Team Leader
DATE: March 19, 2015
SUBJECT: Public comments and DEQ response for the Fairfax County MS4 Draft VPDES Permit (VA0088587)

PUBLIC COMMENT PERIOD

The draft permit was public noticed in the *Washington Times* on February 2, 2015 and February 9, 2015. The comment period began on February 2, 2015, lasted 30 days, and closed on March 4, 2015.

During the comment period, 77 sets of comments were received from the following:

- 1 non-profit environmental organization
- 74 individual citizens
- 1 state agency
- 1 owner

Please note that there were no requests for a public hearing on the draft permit.

A list of commenters is attached. Below is a summary of the comments received, the commenter, and DEQ's response to each issue.

PUBLIC COMMENT AND DEQ RESPONSE

Comment 1: Require the permit's intermediate benchmarks and milestones be made mandatory to ensure the county achieves progress in reducing polluted runoff. Revise Part I.D.1.b.(1)(f) of the permit to state that the schedule to achieve reductions “shall include annual, enforceable benchmarks to demonstrate” progress.

Commenters: CBF Citizen Alert, Chesapeake Bay Foundation

DEQ Response: Each year, the permittee is required to submit to DEQ for review and approval an annual report that documents the strategies and best management practices employed in the previous reporting period to demonstrate implementation of the MS4 Program and compliance with the MS4 permit. Upon approval of the TMDL Action Plan, the permittee is required to include information in the annual report regarding the implementation of the TMDL Action Plan and required pollutant reductions including the strategies, best management practices, and retrofit projects that were implemented during the reporting year to address TMDL WLAs. The permittee is also required to include in each annual report the planned measures for continued control and reduction of pollutants of concern. As part of the TMDL Action Plan, the permittee is required to include a schedule by which the plan will be implemented and annual

reporting by the permittee establishes a mechanism by which pollutant reductions can be tracked. Additionally, the permittee is required to make each annual report available for public review.

No change to the draft permit is necessary in response to this comment.

Comment 2: Accelerate the schedule for key pollution reduction projects like retrofits, system inspection and maintenance, street sweepings, and tree plantings

Commenters: CBF Citizen Alert, Chesapeake Bay Foundation

DEQ Response: Pollution reduction strategies are required to be implemented over the term of the permit and have varying schedules depending on the type of control measure. These schedules have been established based on best professional judgment of staff based on planning and implementation measures that are involved for each strategy.

No change to the draft permit is necessary in response to this comment.

Comment 3: Strengthen the permit's monitoring requirements to obtain sufficient data, including incorporating discharge measurements, to assess whether the permit is working effectively in reducing pollution and to ensure any necessary modifications are made. The permit should specify the location of the stream monitoring sites or outline factors to be considered by the permittee when selecting sites. Biological monitoring is insufficient because it does not incorporate the permits general monitoring protocols in Part II.A. Additionally, the permit does not specify intended purpose of biological monitoring (for Rapid Bioassessment). It is requested that the permit be revised to match Arlington biological condition that specifies the protocol, lists parameters to be assessed, requires sampling events two (2) times per year during two (2) different seasons, and lists the sites for biological monitoring.

Commenters: CBF Citizen Alert, Chesapeake Bay Foundation

DEQ Response: The 2002 permit required the permittee to monitor only two watersheds for bioassessment and various pollutants to determine the effectiveness of the stormwater management plan. The draft permit strengthens previous in-stream requirements by increasing the number of monitored sites to a minimum of five (5) sites once every two months in order to assess ambient conditions and a minimum of five (5) sites for bi-annual (one per 6 months) biological monitoring. Requiring a minimum of 15 sampling events at each site for in-stream monitoring will provide enough data to perform statistical analyses to determine if the MS4 Program Plan is effective in reducing pollutant concentrations as well as determine areas where additional focus may be needed. DEQ staff believes that the permittee best knows their watershed in terms of establishing a monitoring network and identifying specific areas that may be problematic. Therefore, it is appropriate to allow the permittee to flexibility to establish a monitoring program that meets the minimum permit requirements based on the specific locality situation.

The draft permit requires that unless otherwise stated in the permit, the monitoring must be performed in accordance with federal monitoring procedures as listed in 40 CFR Part 136 as stated in Part II.A of the permit. Monitoring protocols are established in the permittee's MS4 Program Plan which is reviewed and approved by DEQ, including the sampling locations. Updates to monitoring protocols must be approved by DEQ prior to modifications being made by the permittee in accordance with the MS4 Program Plan modification procedures.

The draft permit has been update to clarify that the monitoring period for the biological monitoring.

Comment 4: “Legislate that ALL new purchases in Virginia be electrically powered.”

Commenters: CBF Citizen Alert

DEQ Response: Thank you for your comment, however, this issue is not pertinent to water quality issues or the reissuance of this draft permit or the MS4 Program.

No change to the draft permit is necessary in response to this comment.

Comment 5: Encourage residents to: keep sink drains free of debris and fats; keep leaves out of street gutters; leave leaf debris and mulch on personal property; stop using chemical fertilizers; use safer pesticides; stop spraying for MOSQUITO; and recycle more plastic products with numbers higher than 1 and 2.

Commenters: CBF Citizen Alert

DEQ Response: Thank you for your comments, however, regulations of sink drains, use of chemical fertilizers, mosquito control, and recycling issues at the residential level are not applicable under the MS4 Program permit issued by the Department. Please note that the permittee is required to maintain and implement the legal authority to control the discharge of spills and dumping to the MS4 (Part I.A.3 of the draft permit). This includes leaf litter and grass clippings.

No change to the draft permit is necessary in response to this comment.

Comment 6: Revise Part I.D.1.d(5) of the permit to require the draft action plan that is submitted with the reissuance package address plans to reduce pollutant loads by “an additionally 19 times the required reductions in loading rates...” such that 100% of the reduction goal is met by 2025 rather than 7 times the required reduction rates.

Commenters: Chesapeake Bay Foundation

DEQ Response: In the Phase I and II Watershed Implementation Plans (WIP) and the Chesapeake Bay Total Maximum Daily Load (TMDL) report, the Commonwealth of Virginia and EPA committed to using a phased approach to achieve reductions in loadings of POC from the urban stormwater sector. Specifically, MS4 permittees are afforded three full five year permit cycles in these regulatory documents by which 100% of the reductions must be achieved. Beginning with the first reissuance of the permit after the TMDL and WIP are approved, permittees must reduce loadings from POC by 5% and begin planning for the additional required reductions.

Due to multiple delays in permit reissuance, three full permit terms now extend beyond the Chesapeake Bay Program partnership's 2025 goal for implementation of all controls necessary to meet the TMDL. Under the Phase I and II WIPs, Virginia has recognized the right to adjust this plan and take different approaches to meet the 2025 goal. Virginia is committed to a phased approach that allows multiple permit terms for MS4 permittees to fully implement nutrient and sediment reductions necessary to meet the Chesapeake Bay TMDL wasteload allocations. Virginia will adjust its commitments, if necessary, as part of its Phase III WIP to ensure that practices are in place by 2025 that are necessary to meet water quality standards in the Chesapeake Bay and its tidal tributaries. Any changes in reduction requirements as part of the Phase III WIP will be incorporated in future reissuances of the permit as necessary.

No change to the draft permit is necessary in response to this comment.

Comment 7: Revise Part I.A.2 of the permit to state that the Department has determined the permittee's MS4 Program to reduce pollutants to the maximum extent practicable if the program is

“modified by an approved, compliance TMDL Action Plan...and if fully implemented” to better address compliance with the Maximum Extent Practicable standard.

Commenters: Chesapeake Bay Foundation

DEQ Response: The Department expects the permittee to fully comply with the terms and conditions of the permit. Compliance with implementing the BMPs required by the permit, following an approved MS4 Program Plan, and implementing the TMDL Action Plans are appropriate means by which the Department has determined the permittee's program meets the MEP standard and does not cause or contribute to a water quality violation

No change to the draft permit is necessary in response to this comment.

Comment 8: Revise Part I.D.1 of the permit to state that if an approved, compliant TMDL Action Plan is “fully implemented” then the permit will be “consistent with the Chesapeake Bay TMDL and Phase I and II WIPs to meet Level 2 (L2) scoping run for existing developed land as it represents an implementation of 5% of L2 as specified in the 2010 Phase I WIP.”

Commenters: Chesapeake Bay Foundation

DEQ Response: The L2 scoping run for existing developed lands established the reductions in loading required to meet the Bay TMDL water quality goals. Additionally, as previously mentioned MS4 permittees were afforded multiple permit cycles to implement reductions on existing lands in the Phase I and II WIPs. Therefore, the permit is consistent with the TMDL and WIPs as written with the required reductions in loadings over multiple permit cycles.

No change to the draft permit is necessary in response to this comment.

Comment 9: Require the TMDL Action Plan be incorporated into the permit and enforceable under the terms of the permit.

Commenter: Chesapeake Bay Foundation

DEQ Response: Part I.A.6 of the draft permit specifically states that the Department recognizes the MS4 Program Plan may be considered one document but actually consists of separate documents including TMDL Action Plans. The condition also states that the MS4 Program Plan is an enforceable part of the permit. Additionally, Part I.D.1.b)4) and Part I.D.2.a)2) specifically states that the Chesapeake Bay TMDL Action Plan and TMDL Action Plans other than the Chesapeake Bay TMDL, respectively are effective and enforceable upon review by the Department.

No change to the draft permit is necessary in response to this comment.

Comment 10: Revise permit to require the TMDL Action Plans be incorporated through the major modification permitting process to allow for public participation on the TMDL Action Plan process.

Commenters: Chesapeake Bay Foundation

DEQ Response: Adoption of TMDL Action Plans is not a modification to the terms of the permit. The TMDL Action Plans are incorporated by reference to the permit, and approved plans are enforceable under the terms of the permit. The permit requirement is for the permittee to develop and implement the Action Plans as specified. The agency routinely requires permittees to develop plans that reduce pollutants or demonstrate compliance with regulations as an action outside of the permit issuance

process. This provides the necessary time and flexibility for these plans to be developed or revised if necessary while still providing the agency the necessary review and approval authority.

No change to the draft permit is necessary in response to this comment.

Comment 11: Revise Part I.B.2.(m)(2) of the permit to include a schedule by which the permittee must work with VDOT to identify any uncertainty on ownership or location of MS4 components that are physically interconnected. Revise Part I.B.2.(m)(3) of the permit to require permittee to implement the means and methods to reduce pollutant loadings from those areas that are located in the permittee's jurisdiction but drain to the VDOT MS4.

Commenter: Chesapeake Bay Foundation

DEQ Response: The MS4 program and associated requirements apply to areas served by the MS4 owned or operated by the permittee. The draft permit requires the permittee to reduce the loads of sediment and nutrients from lands that drain to the permittee's MS4. This is consistent with the pollutant reduction requirements of the General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems. DEQ staff believes that for this permit reissuance, reduction requirements are appropriately assigned based on the MS4 service area. In addition, the permit requires the permittee to coordinate with VDOT on areas of interconnectivity and overlapping jurisdiction. The permittee is required to submit a Chesapeake Bay TMDL Action Plan 24 months after the effective date of this permit to address pollutant reductions from their MS4. The Action Plan requires the permittee to account for their regulated acreage; therefore, areas of uncertainty will be delineated in the Action Plan due 24 months after the permit effective date. Additionally, the Action Plan must include identification of those areas within the permittee's municipal boundaries and outside of the VDOT right of way and that drain to the VDOT MS4.

No change to the draft permit is necessary in response to this comment.

Comment 12: Revise permit to require local TMDL Action Plans include a compliance plan for meeting water quality standards or WLAs that specifies a definitive end date by which a WLA must be achieved.

Commenter: Chesapeake Bay Foundation

DEQ Response: DEQ recognizes that reducing pollutants in stormwater discharging from an MS4 is best managed through the iterative and adaptive management process that allows the MS4 permittee to most effectively reduce pollutants through the evaluation of stormwater management practices on a regular basis. As such, reduction of pollutants to meet approved TMDL wasteload allocations may be performed over multiple permit cycles in support of the iterative approach as long as the permittee demonstrates progress in pollutant reductions is being achieved. The Department has determined this is most economically and environmentally feasible method for MS4s to meet the requirements established by this permit including any TMDL WLAs. The Department's review and approval of annual reports and action plans will ensure that the permittee is appropriately implementing the iterative, adaptive management process to demonstrate progress.

No change to the draft permit is necessary in response to this comment.

Comment 13: Amend permit to require permittee to first provide an analysis to DEQ showing how it will achieve the goals of any eliminated strategy, policy, or BMP.

Commenter: Chesapeake Bay Foundation

DEQ Response: Upon requesting to eliminate or replace BMPs from the MS4 Program Plan, Part I.A.7.a)3) requires the permittee to provide an analysis to DEQ explaining how or why the BMPs being replaced is ineffective or infeasible including how the new BMP will achieve the reductions of the BMP being replaced.

No change to the draft permit is necessary in response to this comment.

Comment 14: Modify permit to state that any document that forms part of the MS4 Program Plan is incorporated by reference.

Commenter: Chesapeake Bay Foundation

DEQ Response: Part I.A.6 explains that while an MS4 Program Plan may be one single document, it may also consist of several documents that are incorporated by reference. In order for a document to be incorporated by reference into the MS4 Program Plan, the permittee must include the document name and latest revision date in the MS4 Program Plan.

No change to the draft permit is necessary in response to this comment.

Comment 15: Revised permit to require accelerated development and implementation of nutrient management plans for County-owned land.

Commenter: Chesapeake Bay Foundation

DEQ Response: The schedule for development and implementation of nutrient management plans for County owned lands is consistent with the requirements in the Chesapeake Bay WIP that requires MS4 operators to implement urban nutrient management plans on all lands owned or operated by the MS4 permittee by the end of the first five year permit cycle.

No change to the draft permit is necessary in response to this comment.

Comment 16: Modify amount of sanitary sewer line inspection per permit cycle from 750,000 linear feet to 30 miles.

Commenter: Chesapeake Bay Foundation

DEQ Response: The permittee is responsible for 1 million linear feet of sanitary sewer. Given the large amount of sanitary pipes and DEQ staff's best professional judgment, it is appropriate to establish a minimum linear feet to be inspected equal to 75% of the total system. The permit also requires the permittee to perform illicit discharge detection, dry and wet weather screening that will supplement the sanitary sewer inspection program to ensure there is no leakage of sanitary waste to the MS4.

No change to the draft permit is necessary in response to this comment.

Comment 17: Revise permit to require wet weather screening plan development in at least five areas during the first 12 months after the permit is effective and implementation of the plan during the second year of the permit term.

Commenter: Chesapeake Bay Foundation

DEQ Response: The permittee is required to establish a wet weather screening program. The purpose of wet weather screening is for the permittee to identify sources of significant pollutant loading to the MS4.

Sources of significant pollutant loading may be identified through sampling and non-sampling techniques; therefore, a minimum number of sampling locations is not specified for wet weather screening as it is for in-stream monitoring. The permit requires the permittee to develop and submit a wet weather monitoring program to DEQ no later than 12 months after the permit effective date. Upon review and approval by DEQ, the permittee will be expected to implement the wet weather screening program. Annual reporting will demonstrate the permittee's compliance status with the program.

No change to the draft permit is necessary in response to this comment.

Comment 18: Revise the permit to clarify when the permittee must refer to DEQ any VPDES permitted facilities discharging significant pollutant loadings to the MS4 as determined by a specified number of exceedances of benchmark values demonstrated through VPDES permit monitoring.

Commenter: Chesapeake Bay Foundation

DEQ Response: This permit condition requires the permittee to refer industrial dischargers to DEQ when evidence of significant pollutant loading to the MS4 is found by the permittee. DEQ maintains regulatory authority of VPDES-permitted industrial discharges and receives the periodic discharge monitoring reports for review to determine if a VPDES permitted industrial facility is discharging concentrations or loads greater than established benchmark values. It is the MS4 permittee's responsibility to review the periodic monitoring reports and identify significant pollutant loading to the MS4 by other means.

No change to the draft permit is necessary in response to this comment.

Comment 19: Revise the permit to require that all industrial outfalls discharging to the MS4 be inspected every 3 years.

Commenter: Chesapeake Bay Foundation

DEQ Response: Part I.B.2.h)2) requires the permittee to identify and prioritize inspections of VPDES permitted industrial discharge outfalls and inspect each VPDES permitted industrial outfall once per five years such that all outfalls are inspected during the term of the permit. DEQ staff believes that the outfall inspection frequency implemented in concert with the permittee's illicit discharge and detection program and monitoring program is sufficient to identify and prevent potential discharges to the MS4 that may adversely impact receiving stream water quality.

No change to the draft permit is necessary in response to this comment.

Comment 20: Technical amendment: Part I.B.2.j)6) should be corrected from Erosion and Sediment Control Act to Stormwater Management Act.

Commenter: Chesapeake Bay Foundation

DEQ Response: Thank you for the comment.

This section of the permit has been corrected.

Comment 21: The County supports the forward progress proposed in the draft permit and reaffirms its commitment to water quality protection, but also noted that as drafted the significant increase in permitting requirements and pollutant reductions under aggressive schedules is the maximum level that the County can be expected to manage. Specifically, the County requested no

more stringent requirements or shorter timeframes be included in the permit.

Commenter: Sharon Bulova on behalf of the Fairfax County Board of Supervisors

DEQ Response: DEQ appreciates the County's commitment to water quality protection and its cooperation throughout the permitting process.

No change to the draft permit is necessary in response to this comment.

Comment 22: VDOT submitted comments recognizing the significant amount of cooperation that will be required between the County and VDOT and indicated that communication has already begun between the parties.

Commenter: Virginia Department of Transportation

DEQ Response: Thank you for the commitment.

No change to the draft permit is necessary in response to this comment.

DEQ STAFF CONTACT INFORMATION

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Attachment 5 - List of Public Commenters

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Attachment 5 - List of Public Commenters

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Attachment 6 – Permit Change Table

Changes from the Comment Period Draft Permit dated 2/2/2015 to final proposed permit.

General revisions throughout permit:

Change	Reason for Change
Regulatory citations corrected and formatted appropriately.	
Annual report references in the Specific Reporting Requirements section of the special conditions revised to specify the annual report due dates.	The permittee is responsible for developing, updating, and submitting several different documents with annual reports. Specifying which annual report clarifies the reporting requirement.
References to "Department of Environmental Quality" or "DEQ" revised to "Department."	"Department" defined in Part I.F Definitions section.
References to "county" revised to "permittee" and vice versa.	More appropriate use of terminology.
References to "MS4 Program" revised to "MS4 Program Plan."	Revised to correct word omission.

Condition Number	Special Condition Changed	Change	Reason for Change
Part I.B.1	Planning	Revised: The permittee shall provide the Department a web link to the plans no later than 12 months after the effective date of this state permit and with each annual report.	Revised in response to public comments received.
Part I.B.2.h)2)(a)(2)(ii) and (iii)	Stormwater Infrastructure Management	Revised: Part I.B.2. h)2)a)(3)(i) Part I.B.2. h)2)a)(3)(i) Part I.B.2. h)2)a)(3)(ii)	Correct typo in permit citation reference.
Part I.B.2.h)3)(a)	Stormwater Infrastructure Management	Revised: The latitude and longitude in decimal degrees, minutes ; and seconds ;	Revised to require reporting in decimal degrees for ease of data usage.
Part I.B.2.i)2)(c)	County Facilities	Revised: Part I.B.2.i)2)(ab)	Correct typo.
Part I.B.2.j)1)(c)	Public Education/ Participation	Revised: Develop an outreach program with-for public and private golf courses located within Henrico County that discharge to the permittee's MS4 to encourage implementation of integrated management practice (IMP) plans and techniques to reduce runoff of fertilizer and pesticides	Revised for clarity.
Part I.B.2.k)6)	Training	Revised: The permittee shall have a program to ensure that the applicable County employees obtain the appropriate certifications as required under the Virginia Erosion and Sediment control <u>Stormwater Management Act</u> and its attendant regulations to implement the modified stormwater management design criteria	Correct typo.

Changes from the Comment Period Draft Permit dated 2/2/2015 to final proposed permit.

Condition Number	Special Condition Changed	Change	Reason for Change
Part I.B.2.m)8)	Infrastructure Coordination	Annual Reports – As part of its Annual Report, the permittee shall document <u>any</u> coordination efforts with VDOT that occurred during the reporting year pursuant to requirements (1) through (7) above.	Clarify that the annual report should include any of the components that take place during the year.
Part I.C.1.b)	Biological Monitoring	Revised: Monitoring shall be conducted twice per year <u>with one sample collected between July 1st and December 31st and one sample collected between January 1st and June 30th each year</u> at each selected stream site.	Revised in response to public comments received.
Part I.C.1.c)	Biological Monitoring	Revised: The permittee shall use a biological stream monitoring approach based on the “USEPA’s Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers” <u>or other method approved by the Department</u> , and shall include an assessment of the benthic macroinvertebrate community and habitat assessment	Revised in response to public comments received.
Part I.D.2.f)	<i>TMDL Action Plans</i> other than the Chesapeake Bay TMDL Annual Reporting Requirements	Revised: 1) <u>In accordance with Part I D.2.a)1), the permittee shall submit the required TMDL Action Plans no later than 24 months after the permit effective date the Department for review and acceptance with the appropriate annual report associated schedule identified in this permit.</u> 2) <u>Beginning with the annual report due October 1, 2017,</u> the permittee shall report on the implementation of the TMDL Action Plans and associated evaluation including the results of any monitoring conducted as part of the evaluation.	Revised language for consistency with Chesapeake Bay TMDL Annual Reporting language.
Part I.E.	Annual Reporting	Revised to include table with Annual Reporting period and corresponding Annual Report Due Date and additional annual reporting requirements.	Revised for clarity, correct grammar and formatting issues and include requirements for reporting while program components are being developed.